

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

RYANNE MOODY,

Plaintiff,

v.

PENNYMAC LOAN SERVICES, LLC,

Defendant.

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Civil Action No. 4:20-cv-00127-O-BP

FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff, Ryanne Moody, initiated this action by filing an original petition in the 348th Judicial District Court of Tarrant County, Texas. ECF No. 1. On February 13, 2020, Defendant PennyMac Loan Services, LLC, removed the case to this Court. *Id.* On February 14, 2020, the case was automatically referred to the undersigned pursuant to Special Order 3. ECF No. 4.

By Order dated February 27, 2020, the Court ordered Plaintiff to file an amended complaint by March 12, 2020, in accordance with Federal Rule of Civil Procedure 8(a). ECF No. 6. The Court cautioned Plaintiff that failure to comply with the order may result in the dismissal of the case. *Id.* Plaintiff failed to file an amended complaint as ordered.

By Order dated March 17, 2020, the Court again ordered Plaintiff to file an amended complaint as provided in the Court's previous order dated February 27, 2020. ECF No. 8. The Court set a new deadline of March 24, 2020 for Plaintiff to file the amended complaint and warned her that failure to comply with the order may result in dismissal of the case for want of prosecution. *Id.* Plaintiff again failed to file an amended complaint as ordered.

In light of the Court's numerous extensions of time for Plaintiff to file an amended complaint, Plaintiff's failure to file an amended complaint, and the Court's providing Plaintiff

warning that failure to file an amended complaint or to comply with court orders may result in dismissal, and the record as a whole, the undersigned **RECOMMENDS** that United States District Judge Reed O'Connor **dismiss** Plaintiff's complaint **without prejudice** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute or to comply with court orders.

A copy of this Findings, Conclusions, and Recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this Findings, Conclusions, and Recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b)(1). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

Signed March 31, 2020.



Hal R. Ray, Jr.
UNITED STATES MAGISTRATE JUDGE